

HB 2340

Measure Title: RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE CHILD PROTECTIVE ACT.

Report Title: Child Protective Act; Criminal History Records Checks

Description: Amends the Child Protective Act so that when an assessment is required the Department of Human Services is authorized to conduct criminal history checks without the consent of an alleged perpetrator of harm or threat of harm and all adult household members living in the family home with the alleged victim child. (HB2340 HD1)

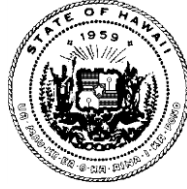
Companion: [SB2869](#)

Package: Governor

Current Referral: HMS, JDL

Introducer(s): SOUKI (Introduced by request of another party)

DAVID Y. IGE
GOVERNOR



RACHAEL WONG, DrPH
DIRECTOR

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DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96808

March 14, 2016

TO: The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

FROM: Rachael Wong, DrPH, Director

SUBJECT: **HB 2340 HD1– RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER
THE CHILD PROTECTIVE ACT**

Hearing: Tuesday, March 15, 2016, 1:15 p.m.
Conference Room 016, State Capitol

DEPARTMENT’S POSITION: The Department of Human Services (DHS) supports this administration bill.

PURPOSE: The purpose of the bill is to add a new section and amend the Child Protective Act to allow the Department of Human Services (DHS) to access criminal history records without consent of individuals identified as alleged perpetrators of harm or threatened harm to a child, and individuals identified as adult household members living in the family home with the alleged child victim.

Senate Bill 2869 is the companion measure to HB2340 HD1. The House committee on Judiciary amended the measure, noting in its committee report that it is:

concerned that the authority to conduct criminal history background checks on all persons in the household where the child resides is subject to potential abuse. Your Committee believes that reasonable suspicion must exist before a criminal history background check is warranted.

Accordingly, your Committee has amended this measure to address these concerns by permitting the Department to conduct the subject background checks when an assessment is required. The amendments are intended to make clear that the Legislature does not intend to give carte blanche authority to the Department to run criminal background checks as a matter of routine. Standing Committee Report No. 991-16.

The House committee on Judiciary amended the bill language of SECTION 2 and SECTION 3, with the phrase "when an assessment is required pursuant to this chapter." The Department agrees with these amendments.

There is a compelling State interest to protect children from potential harm. Under current law, DHS does not have clear authority to complete criminal background checks without the individual's consent. This ambiguity limits the ability of DHS to assess the safety risks for children, and for its own staff, who are required to intervene and provide services to families.

Hawaii Revised Statutes Section 587-A-11 requires DHS to initiate an investigation upon receiving a report that a child is subject to imminent harm, has been harmed, or is subject to threatened harm. This would require a thorough safety assessment of the family home including a criminal history check on the alleged perpetrator and all adults living in the household. HB2340 HD1 permits criminal history background checks when an assessment is required.

Thank you for the opportunity to testify.



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TO: Senator Suzanne Chun Oakland, Chair
Senator Gil Riviere, Vice Chair
Committee on Human Services

HEARING: Tuesday, March 15, 2016
1:15 PM
Conference Room 016

FROM: Judith Wilhoite
Family Advocate
It Takes An Ohana

RE: HB2340 - Relating to Criminal History Records Checks

Thank you for this opportunity to testify. I am the Family Advocate for Family Program Hawaii's It Takes An Ohana (ITAO) program and a resource caregiver. The ITAO Advisory Committee, made up of resource caregivers (formerly called foster parents) and adoptive parents, supports HB2340.

This bill will give the Department of Human Services (DHS) an important tool to help keep Hawaii's children safe. It allows DHS to conduct a criminal history check of an alleged perpetrator and all adults living in the family home where children may be at risk.

As resource caregivers, we regularly see DHS social workers give their all to keep children safe. These brave souls have embarked on a career that is often thankless, yet they provide a very valuable contribution to our community. Thus, we strongly support giving DHS all the tools they need to keep children in our community safe.

Thank you for this opportunity to support HB2340.

We help kids

TO: Senator Suzanne Chun Oakland, Chair
Senator Gil Riviere, Vice Chair
Committee on Human Services

HEARING: Tuesday, March 15, 2016
1:15 PM
Conference Room 016

FROM: James Bott

RE: HB2340 - Relating to Criminal History Records Checks

Thank you for this opportunity to testify. I am a resource caregiver, adoptive parent, and service provider. I strongly support HB2340.

This bill will give the Department of Human Services (DHS) an important tool to help keep Hawaii's keiki safe from perpetrators. I believe that DHS should be able to check the criminal history of all people living in the home of an alleged or possible victim of abuse or neglect.

As a resource caregiver and a service provider I want to ensure we do everything we can do to protect our keiki. The criminal history check of all adults living in a home is vital in protecting the youth of Hawaii. We must use all the tools available to us to assist the DHS workers in their ability to provide safety for our keiki.

Thank you for this opportunity to support HB2340

TO: Senator Suzanne Chun Oakland, Chair
Senator Gil Riviere, Vice Chair
Committee on Human Services

HEARING: Tuesday, March 15, 2016
1:15 PM
Conference Room 016

FROM: Sandra Dale

RE: HB2340 - Relating to Criminal History Records Checks

Thank you for this opportunity to testify. I am a resource caregiver and pre-adoptive parent and an educator. I am writing today to voice strong support for HB2340.

This bill will allow DHS (Department of Human Services) to use an important method to keep Hawaii's children safe. I believe that DHS should be able to do a criminal background check of any and all people living in a home of a child where an allegation of abuse has occurred. Children are very vulnerable and need to be protected at all costs. As a resource caregiver, I believe we should do everything we can to protect children and ensure they have a safe and secure home to live in.

Thank you for this opportunity to support HB2340.